

REMARKS

In the outstanding Final Office Action, claims 31-37 were rejected under 35 U.S.C. §101. Claims 26-37 were rejected under 35 U.S.C. §103(a) over ENGLAND et al. (U.S. Patent Application Publication No. 2002/0006204) in view of ABECASSIS (U.S. Patent No. 6,304,715).

Upon entry of the present amendment, claims 26-29, 31-32 and 34-35 will have been amended and claim 33 cancelled without prejudice to or disclaimer of the subject matter recited therein. The amendments to claims 26-29, 31-32 and 34-35 and cancellation of claim 33 should not be considered an indication of Applicants' acquiescence as to the propriety of any outstanding rejection. Rather, Applicants have amended and canceled claims in order to advance prosecution and obtain early allowance of claims in the present application.

Applicants traverse the rejection of claims 31-37 under 35 U.S.C. §101. In this regard, amended claim 31 recites a "server" and includes "a license information generator", "a content storage", a content encryptor", "a playback control information generator", and a "communicator". The relationship of the various components of the server in claim 31 is clear by the recitations of the claims. Amended claim 34 recites a "terminal" and includes a "receiver", and a "playback control information processor". The relationships of the various components of the terminal in claim 34 is clear by the recitations of the claims.

The server of claim 31 and the terminal of claim 34 are directed to statutory subject matter and not implemented solely by means of software. In this regard, various of the individual components recited in claims 31 and 34 include tangible components such as those suggested by the Examiner at page 8 of the Final Office Action. Accordingly, reconsideration and withdrawal of the rejection of claims 31-37 under 35 U.S.C. §101 is respectfully requested.

Applicants traverse the rejection of claims under 35 U.S.C. §103(a). In this regard, the Final Office Action cites paragraph 0121 of ENGLAND as allegedly disclosing the features in previous claim 26 of a “content playback control method that controls a playback by decoding encrypted content only when a usage condition is met, using license information containing a content key and the usage key, the method comprising: determining whether the usage condition specifies at least a playback based on playback control information”. However, whereas a valid license 16 in paragraph 0121 of ENGLAND may be considered equivalent to a “usage condition” as recited in Applicants’ claims, paragraph 0121 and the related teachings of ENGLAND do not disclose features of “playback control information” as recited in Applicants’ previous claim 26, let alone playback control information describing a special section in the encrypted content as recited in Applicants’ amended independent claim 26.

The Final Office Action also cites column 16, lines 54-56 of ABECASSIS as allegedly disclosing the features in previous claim 26 of “when the usage condition specifies at least the playback based on the playback control information, controlling a possibility and impossibility of a special playback in a section described in the playback control information, according to a restriction for the special playback described in the playback control information”. However, ABECASSIS also does not disclose features of “playback control information” as recited in Applicants’ previous claim 26, let alone playback control information describing a special section in the encrypted content as recited in Applicants’ amended independent claim 26.

As described above, the rejection of previous claims under 35 U.S.C. §103(a) is improper. Nevertheless, Applicants have amended the claims to recite additional features not disclosed by ENGLAND or ABECASSIS, whether these documents are considered alone or in any proper combination.

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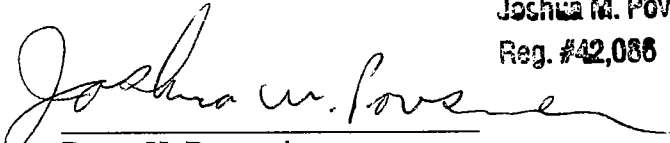
For at least the reasons set forth above, independent claim 26 is allowable over the documents applied in the outstanding Final Office Action. Each of independent claims 31 and 34 is allowable at least for reasons similar to those set forth above with respect to claim 26. Claims 27-30, 32 and 35-37 are each allowable at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations. Accordingly, reconsideration and withdrawal of each of the outstanding rejections under 35 U.S.C. §101 and 35 U.S.C. §103 is respectfully requested,.

Any amendments to the claims in this paper, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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